

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LUPE B. CARRASCO,  
Plaintiff,

v.

No. CV-10-999 CEG/WPL

NEW MEXICO DEPARTMENT  
OF WORKFORCE SOLUTIONS, *et al.*,

Defendants.

**ORDER GRANTING EXTENSION OF TIME**

**THIS MATTER** is before the Court on *Plaintiff's Motion for Extension of Time In Response to Order to Show Cause* ('Motion') (Doc. 5). Plaintiff seeks additional time to properly serve a copy of the summons and complaint upon Defendants in this action. The Court, having considered Plaintiff's Motion, the relevant law, and otherwise being fully advised in the premises, **FINDS** the motion to be well-taken and will be **GRANTED**.

Plaintiff filed her *Complaint for Damages from Employment Discrimination and Retaliation* on October 21, 2010. (Doc. 1). More than 120 days have elapsed since then and Plaintiff has not served a copy of the summons and complaint upon Defendants. The Court then *sua sponte* directed Plaintiff to show cause why her case should not be dismissed for failure to prosecute. (Doc. 4). Plaintiff states that she has been unable to effect service upon the Defendants because of a busy holiday season, her search for gainful employment, and her responsibility as a primary care giver to her ex-husband and grandson. (Doc. 4 at 2). She requests that the Court extend the deadline to serve the Defendants until the end of March, 2011.

Upon a showing of good cause by a plaintiff, a court is required to extend the time for service for an appropriate period. FED. R. CIV. P. 4(M). Even if the plaintiff has not

demonstrated good cause for an extension of time, the Court may, in its discretion, provide for an extension of time to effect service. *Espinoza v. United States*, 52 F.3d 838 (10th cir. 1995). The Court finds that, while Plaintiff's busy holiday schedule does not qualify as 'good cause' for an extension of time, her continuous search for gainful employment and her responsibilities to her ill family members warrant an extension in this case. The Court further notes that allowing for an extension will not prejudice Defendants in any way.

**IT IS THEREFORE ORDERED** that *Plaintiff's Motion for Extension of Time In Response to Order to Show Cause* (Doc. 5) be **GRANTED**. Plaintiff shall have until the end of March, 2011, to effect proper service of the summons and complaint upon all Defendants in this case.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE